

Town Board Minutes

**Meeting
No. 8**

Regular Meeting

April 5, 1999

MEETINGS TO DATE 8
NO. OF REGULARS 7
NO. OF SPECIALS 1

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LANCASTER, NEW YORK
April 5, 1999

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 5th day of April, 1999 at 8:00 P.M. and there were

PRESENT: NEIL CONNELLY, COUNCIL MEMBER
WILLIAM MARYNIEWSKI, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: MARY ANN PERRELLO, DEP. TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR
THOMAS FOWLER, CHIEF OF POLICE

EXECUTIVE SESSION:

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 9:03 P.M. to deliberate in Executive Session for the announced purpose of discussing garbage contract.

At 9:32 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Sincia, George, 64 Northwood Drive, spoke to the Town Board on the following matter:

- Expressed concerns re: drainage in area behind his condominium.

Pawlick, John, 194 Aurora Street, spoke to the Town Board on the following matters:

- Questioned placement of signal at Pavement Road and Genesee Street.
- Expressed dismay with paving on Pavement Road and Central Avenue.

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matter:

- Asked for names of those who requested signal light at Pavement Road and Genesee Street.

Schneeggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Requested addition/changing of wording for Resolution No. 5 - Local Law No. 1.
- Questioned necessity for Resolution No. 4 - engaging services of outside counsel.
- Questioned abandoned vehicle at Broadway and Bowen Road.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on March 15, 1999 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter
dated March 16, 1999, has requested the addition of the following member to the membership
roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the
addition to the membership of the Twin District Volunteer Fire Company, of the following
individual:

ADDITION:

James F. Drzewiecki
36 Rue Madeleine Way
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

File REIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for General Construction (Contract 14G), Electrical (Contract 14E) and Plumbing (Contract 14P) for new restrooms in Westwood Park , and

WHEREAS, bids were received, opened and reviewed on February 24, 1999,
and

WHEREAS, the Town Board, after due review has determined to elect its right reserved as reserved in the bid documents to reject all bids received on contracts 14E-Electrical, 14G- General Construction, and 14P-Plumbing;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby rejects all bids received under Contract 14E-Electrical,, 14G - General Construction and 14P-Plumbing for the beforementioned project, pursuant to the rights reserved to the Town in the bid documents and directs the Town Clerk to so advise the bidders and return any bid bond posted in accordance with the bid specifications.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

File: rrjctbd.499

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has been apprised by the Town Attorney that there is a need to have an outside counsel available to represent the Town in the prosecution of disciplinary matters where a conflict arises precluding the Town Attorney's Office from prosecuting such a matter, and

WHEREAS, the Town Board has given due consideration to this matter;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Town Attorney to engage the services of an outside counsel for the prosecution of disciplinary matters where a conflict arises precluding the Town Attorney's Office from advancing the prosecution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

File: rretcnsl.499

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, proposed Local Law No. 1 of the Year 1999, entitled: "Vehicles, Abandoned" and designated as Chapter 47 of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Stempniak on the 19th day of January, 1999, and

WHEREAS, a Public Hearing was duly called and held pursuant to law on February 1, 1999;

NOW, THEREFORE, BE IT

ENACTED by the Town Board of the Town of Lancaster, Local Law No. 1 of the Year 1999, entitled: "Vehicles, Abandoned" and designated as Chapter 47 of the Code of the Town of Lancaster, County of Erie and State of New York, which reads as follows:

**VEHICLES, ABANDONED
CHAPTER 47
LOCAL LAW NO. 1
Of the Year
1999**

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A LOCAL LAW TO REGULATE OUTDOOR STORAGE OF ABANDONED, JUNKED, DISCARDED OR UNLICENSED VEHICLES UPON PRIVATE PROPERTY WITHIN THE TOWN OF LANCASTER, AND SHALL BE ENTITLED "VEHICLES, ABANDONED- LOCAL LAW NO. 1 OF THE YEAR 1999" AND DESIGNATED AS CHAPTER 47 OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

**CHAPTER 47
VEHICLES ABANDONED**

- §47-1 Legislative Intent.**
- §47-2. Findings**
- §47-3. Definitions**
- §47-4. Open Storage Restricted**
- §47-5. Inspections**
- §47-6. Notice to Correct**
- §47-7. Antique or Classic Motor Vehicles**
- §47-8. Storage by Wreckers and Commercial Garages**
- §47-9. Farm Vehicles**
- §47-10. Appearance Ticket**
- §47-11. Penalties for Offenses**
- §47-12. Construal of Provisions**
- §47-13. When Effective**

§47-1 Legislative Intent.

The intent of this Local Law is to regulate the outdoor storage of abandoned, junked, discarded or unlicensed vehicles upon private property within the Town of Lancaster.

§47-2. Findings.

The outdoor storage of abandoned, junked, discarded or unlicensed vehicles upon private property within the Town of Lancaster is hereby declared to be detrimental to the health, safety and general welfare of the community, aesthetically unattractive and detracting from the enjoyment of the environment by said residents, tending to depreciate neighborhood property values and is an infringement on their property and homes. The same also constitutes a potential nuisance to the children of the community and may imperil their safety.

The fuel tanks of abandoned, junked or discarded vehicles containing gasoline or gasoline fumes constitute an ever present danger of explosion. The abandoned, junked or discarded vehicles also may contain broken glass and sharp metal edges, and such vehicles usually are stored or abandoned with batteries containing harmful acids.

The control of the outdoor storage of abandoned, junked or discarded vehicles is therefore regulated for the preservation of health, safety and general welfare of the community.

As used in this Chapter, the following terms shall have the meanings indicated:

ABANDONED VEHICLE - The intent of the owner of any vehicle, whether or not required to be licensed or whether normally operated on public highways or not, shall be determined by the physical condition of the vehicle, statements of the owner as to its abandonment, the length of time since the vehicle last operated on the highway, current status of license, registration or inspection and other relevant facts.

ANTIQUE MOTOR VEHICLES - A motor vehicle, but not a reproduction thereof, manufactured more than thirty (30) years prior to the current year and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with the manufacturer's specifications and appearance.

CLASSIC MOTOR VEHICLES - A motor vehicle, but not a reproduction thereof, manufactured more than twenty (20) years prior to the current year, and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with the manufacturer's specifications and appearance.

COMMERCIAL GARAGE - Any business licensed by the town and/or state to repair motor vehicles or any part thereof.

DISCARDED VEHICLE(S) - Any vehicle(s) which the owner thereof, as established by the surrounding circumstances, relinquishes ownership and possession of and any vehicle(s) the owner of which cannot be found after due and reasonable inquiry.

ENFORCEMENT OFFICER - The Building Inspector is designated as the "Enforcement Officer" for the purposes of this chapter.

JUNK VEHICLE - Any vehicle which for any reason is incapable, without repair, of being moved or propelled by application of internal power, if it is a vehicle originally designed to be propelled by internal power, or is incapable, without repair, of being drawn, towed, if it is a vehicle originally designed to be towed or drawn from behind an internally powered vehicle, and, as adjudged by the standards of an ordinary reasonable man, is unsightly in appearance because of the existence of one (1) or more conditions, such as but not limited to the following: deterioration by rust of the body, deterioration of the exterior finish of the vehicle; broken windows; absence of component parts of the vehicle (such as fenders, panels, doors, bumpers, headlights, hood, trunk door, tires, wheels, grille, roof or tailgate); physical damage (such as dents, cracks, scrapes, or holes) to component parts of the vehicle; and absence of interior components (such as seats, dashboard or interior door panels), or is incapable of being moved or propelled, drawn or towed without repair as provided for hereinabove and has remained situate on any real property for a period in excess of ninety (90) cumulative days.

OPEN STORAGE - Storage other than in a completely enclosed structure constructed of wood, masonry or metal.

OWNER OF PRIVATE PROPERTY - The legal owner, contract purchaser, tenant, lessee, occupant, subtenant, trustee, bailee, receiver or assignee of premises or real property located within the Town of Lancaster.

OWNER OF VEHICLE - The person having the property and/or title, including a person entitled to the use and possession of a vehicle subject to a security interest of another person, and also including any lessee or bailee of a vehicle having the use thereof under lease or otherwise.

PERSON - A natural person, individual, firm, partnership, association, corporation, company, organization or other entity.

REPAIR SETTLEMENT - Determination by whatever means, including settlement of a claim, arbitration or legal action, that any person other than the owner of a vehicle is liable to pay or will pay for the repair of damage resulting from any vehicular accident.

SALVAGE YARD - Any place for the storage or deposit, whether in connection with another business or not, of used motor vehicles intended to be wrecked or junked, or stored as wrecked or junked motor vehicles; iron, steel or nonferrous scrap, where such items, or any of them, are held for the purpose of resale, dismantling parts therefrom for resale, or reclaiming for use some or all of the material therein. The term shall include any place for the storage or deposit, for any such purposes, of used parts or waste materials from motor vehicles, and shall include those established motor vehicle wrecking and/or motor vehicle dismantling operations which were subject to the licensing requirements of former Chapter 4, Auto Wrecking and Junkyards, of the Code of the Town of Lancaster.

TOWN - The Town of Lancaster, excluding the area of the Village of Lancaster and that portion of the Village of Depew lying within the Town of Lancaster.

UNLICENSED VEHICLE - Any vehicle which may be licensed or registered for operation on public highways and which has not been registered during the preceding six (6) months or is not currently registered and not in a condition for legal use on the public highways. A vehicle which is in a condition to receive a current New York State motor vehicle inspection sticker shall be deemed to be in a condition for legal use on the public highways.

VEHICLE - Any means of transport or conveyance operated, driven, drawn or capable and intended to be operated, drawn or driven upon a public highway by power other than muscular power. A "vehicle" shall include but not be limited to automobiles, motorcycles, motorbikes, buses, all types of trailers, including trailers used for storage, trucks, truck tractors, mobile homes other than those legally in use in an authorized mobile home park, recreational vehicles, snowmobiles, all-terrain vehicles and jitneys or any other device originally designed and intended for travel on public highways.

WRECKER - Any business licensed or designated by the town to tow or haul other vehicles.

§47-4.

Open Storage Restricted.

- A. It shall be unlawful for any person, firm or corporation, either as a private property owner, vehicle owner, occupant, lessee, agent, tenant or otherwise, to openly store or deposit or cause or permit to be openly stored or deposited an abandoned, junked, discarded or unlicensed vehicle or vehicles or parts or pieces thereof on any private property within any zoning district within the Town of Lancaster, except as permitted in salvage yards or by this chapter, unless such vehicle or part or piece thereof is stored or deposited in a completely enclosed building.

A single winter use or seasonal vehicle such as winter cars or light truck plow vehicles, which may not be licensed year round by the property owner, may be stored outside, provided that the vehicle is behind the front yard on an adequately maintained surface in the side or rear yard and is at least ten (10) feet from the property lines.

In the case of a vehicle temporarily out of service that is under repair or refurbishment by the owner thereof who must actually reside on the premises where such repair or refurbishment is being done, this single vehicle may be openly stored for a period of up to ninety (90) days, provided that it is maintained and protected so as to not create a safety hazard or nuisance to surrounding property owners, but not upon the public right-of-way.

- B. Recreational vehicles, specifically boats, camping trailers and motorhomes or snowmobiles and all-terrain vehicles on trailers, may be openly stored upon the premises, but not on the public right-of-way, provided that the owner actually resides upon the property, and provided further that the subject recreational vehicle has been licensed within the last twelve (12) months.
- C. (1) In any business or industrial district, nonresidential use or recognized nonconforming commercial use in a residential district, wheeled unlicensed trailers made to be pulled by a truck or truck body, whether nor with or without wheels, are permitted for storage purposes but are not permitted in any front yard.
- (2) One unlicensed trailer or truck body as recited in Subsection C(1) above which is at the time of the adoption of this chapter used for storage in any residential district shall be exempt but shall not be permitted in any front yard.
- (3) All trailers and truck bodies as described in Subsection C (1) above shall be exempt when used in connection with agricultural pursuits, but shall not be permitted in any front yard. Refer also to §47-9.
- (4) Owners of wheeled trailers not otherwise exempted herein made to be pulled by a truck, whether now with or without wheels, and currently used for storage have six (6) months from the date of adoption of this chapter to terminate the use of the same for storage and comply with this chapter.

§47-5. Inspections.

The Town of Lancaster Building Inspector shall have the right to enter and inspect, during daylight hours, any premises on which vehicle(s) are openly stored and to inspect such vehicle(s) to determine if the same are a hazard to the health and welfare of the community. The right to entry shall not be limited in any way by the existence or lack of existence of a request, authorization or other consent or approval of entry for inspection.

§47-6. Notice to Correct.

After the Building Inspector has determined that an abandoned, junked or unlicensed vehicle(s) or parts thereof is openly stored or deposited or is permitted to be openly stored or deposited on a parcel of property in violation of this chapter, he shall give written notice, by personal service or by registered or certified mail, on the owner of the abandoned, junked or unlicensed vehicle(s) or parts thereof or on the owner of any private property on which the vehicle(s) is openly stored. Such notice shall direct the person so served, regardless of the ownership of the vehicle(s) if the property owner or tenant is served, to terminate the open storage of such vehicle(s) within the town within ten (10) days of said notice.

§47-7. Antique or Classic Motor Vehicles.

A single antique or classic motor vehicle that is in the process of being restored may be kept out of doors upon the premises of the owner of said vehicle for a period of eighteen (18) months to allow the restoration to be completed, provided that the vehicle is stored behind the required front yard on an adequately maintained surface and is at least ten (10) feet from the property line, and provided further that such vehicle or component part thereof is covered with a tarpaulin or custom-made cover for vehicles or is otherwise completely hidden from public view with proper screening.

§47-8. Storage by Wreckers and Commercial Garages.

A wrecker or commercial garage may store abandoned, junked or unlicensed vehicle(s) or parts thereof on any one (1) site within the Town of Lancaster, provided that such storage is confined in an enclosed area, and provided further that the business operation of the wrecker or commercial garage is permitted by all applicable zoning laws or regulations, including rights under any nonconforming uses and including any limitations, restrictions or conditions established according to law by the Town Board, the Zoning Board of Appeals or any court of competent jurisdiction, and provided that the vehicle(s) is not stored at any time on a public highway right-of-way.

§47-9. Farm Vehicles.

Any farm vehicle being actively used in farming operations shall be exempted from the provisions of this chapter, provided that:

- A. The vehicle is being used on private property by the property owner or lessee in possession of evidence of a leasehold interest and is being held for continuing operation on private property and is not being held primarily for nonoperating purposes.
- B. The vehicle, if not in a condition for legal operation on public highways, is in a condition so that it can be operated and so that such operation on private property will not be unduly dangerous to the operator, passengers or others.
- C. The vehicle is in such a condition that there is no sharp metal, broken glass or other condition which would endanger children who might be attracted to play around the vehicle.
- D. The farm vehicle is not stored in any front yard..
- E. There are no violations of any other applicable laws and ordinances.

§47-10. Appearance Ticket.

In the event of noncompliance with the provisions of this chapter and after ten (10) days have elapsed from receipt of the written notice, the Building Inspector may issue an appearance ticket returnable to the Town of Lancaster Justice Court at a date and time as specified on the appearance ticket. The appearance ticket shall specify the alleged violation, the date and time and a description of the vehicle(s) involved, a copy of which shall be forwarded to the Town Justice Court and shall be accompanied by information detailing the violation and attempts made by the Building Inspector to achieve compliance.

§47-11. Penalties for Offenses.

A violation of this chapter shall be punishable by a fine of at least fifty dollars (\$50.) and not more than one hundred fifty dollars (\$150.). Each abandoned, junked, discarded or unlicensed vehicle stored in violation of this chapter shall constitute a separate violation. The court may impose additional fines for each day that the violation continues beyond the order to either remove or enclose said vehicle.

§47-12. Construal of Provisions.

This Chapter has been enacted to supplement and to be read in conjunction with §1224 of the Vehicle and Traffic Law of the State of New York.

§47-13. When Effective.

This Local Law shall become take effect after filing and publication as required by law.

and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law No. 1 of the Year 1999 on the Town Bulletin Board;
2. Within ten (10) days publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication;
3. Maintain a file in the Town Clerk's Office on Local Law No. 1 of the Year 1999, with all proofs of publication and posting required for adoption; and
4. File certified copies of Local Law No. 1 of the Year 1999 within twenty (20) days of adoption with:
 - a) Town Clerk's office
 - b) One (1) copy with the office of the Secretary of State

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 1 OF THE YEAR 1999
ENTITLED: "VEHICLES, ABANDONED"
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on April 5, 1999, Local Law No. 1 of the Year 1999, entitled "**Vehicles, Abandoned**" and further designated as Chapter 47 of the Code of the Town of Lancaster, briefly described as follows:

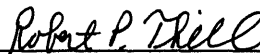
"A Local Law to regulate the outdoor storage of abandoned, junked, discarded or unlicensed vehicles upon private property within the Town of Lancaster, entitled 'Vehicles, Abandoned', designated as Chapter 47 of the Code of the Town of Lancaster and further identified as Local Law No. 1 of the Year 1999."

April 5, 1999

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY, that **I, ROBERT P. THILL**, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of a Legal Notice of Adoption of Local Law No. 1 of the Year 1999, with the original thereof filed in my office at Lancaster, New York, on the April 5, 1999, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 5th day of April, 1999.



Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster has requested the purchase of **TWO (2) - ALL TERRAIN VEHICLES** for use in the Town Police Department, and,

WHEREAS, the Chief of Police has been advised that State grant funds are available for this purchase, so that no Police Department funds will be expended therefor, and

WHEREAS, the Public Safety Committee of the Town Board recommends that such purchase be authorized;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That bids be received by the Town Clerk of the Town of Lancaster, at the Town Hall, 21 Central Avenue, Lancaster, New York, on April 16, 1999 at 10:00 o'clock A.M., Local Time, for the purpose of purchasing **TWO (2) ALL TERRAIN VEHICLES** for use in the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

File: rntbdatv.499

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, that sealed Bids will be received by the Town Clerk of the Town of Lancaster or his designee, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time on the 16th day of April, 1999, for the purpose of purchasing **TWO (2) ALL TERRAIN VEHICLES** for use of the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of \$500.00, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: ROBERT P. THILL
Town Clerk

April 5, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER, STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of Local Laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to repeal in its entirety Section 17-2 and Section 17-3 of Chapter 17, Article I of the Code of the Town of Lancaster, entitled "Amusement Arcades or Game Rooms", and to enact in place thereof Local Law No. 2 of the Year 1999, entitled "Amusement Arcades or Game Rooms" and designated as Sections 17-2 and 17-3 of Chapter 17, Article I of said Code, which reads as follows:

**ENTERTAINMENT
CHAPTER 17**

**ARTICLE I
AMUSEMENT ARCADES OR GAME ROOMS
Proposed
LOCAL LAW NO. 2
OF
THE YEAR 1999**

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER BY DELETING AND REPEALING, IN ITS ENTIRETY, SECTION 17-2 AND SECTION 17-3 OF CHAPTER 17, ARTICLE I OF THE CODE OF THE TOWN OF LANCASTER, ENTITLED: "AMUSEMENT ARCADES OR GAME ROOMS", AND REPLACING IT WITH A LOCAL LAW OF 1999, ENTITLED: "AMUSEMENT ARCADES OR GAME ROOMS" AND DESIGNATED AS SECTIONS 17-2 AND 17-3 OF CHAPTER 17, ARTICLE I OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

Section 1.

The Code of the Town of Lancaster is hereby amended by deleting and repealing Section 17-2 and Section 17-3 of Chapter 17, Article I of the Code, entitled: "Amusement Arcades or Game Rooms".

Section 2.

The Code of the Town of Lancaster is hereby amended by adding thereto a Local Law of the Year 1999, to replace Section 17-2 and Section 17-3 of Chapter 17 as hereinabove repealed, which shall be entitled: "Amusement Arcades or Game Rooms" and further designated as Section 17-2 and Section 17-3 of Chapter 17, Article I of said Code and shall read as follows:

§17-2. Definitions.

As used in this local law, the following terms shall have the meanings indicated.

AMUSEMENT ARCADE or GAME ROOM - A building or part thereof which contains eight (8) or more amusement games.

AMUSEMENT GAME - Any mechanical, electrical or electronic device or game, including video games, used for or designed to be used for entertainment or as a game by the insertion of money, a token, a slug or other article or by paying money to have such device or game activated; but not including jukeboxes, bowling alleys, rides, devices maintained within residences for use by occupants and their guests or any device which is illegal to possess.

OWNER - A record owner, contract purchaser, lessee, assignee, bailee, receiver or trustee.

PERSON - One (1) or more individuals, a partnership, corporation, association, trust or firm and any trustee, assignee or receiver.

PREMISES - Any public or quasi-public building or part thereof where the public may enter.

TOWN - The Town of Lancaster, excluding the Village of Depew and the Village of Lancaster.

§17-3. License required; fees.

A. License.

- (1) No person shall maintain or operate a game room in the Town of Lancaster unless it has first been licensed under this local law.
- (2) A license shall be effective for a one-year period from date of issuance and thereafter be renewable upon review by the Town Board of the Town of Lancaster.

B. Fees.

- (1) An application for a license shall be accompanied by a non-refundable fee of one hundred dollars (\$100.).
- (2) The annual fee for a game room license shall be five hundred dollars (\$500.) plus sixty dollars (\$60.) for each machine over eight (8).

NOW THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 1999, which Law repeals in its entirety Sections 17-2 and 17-3 of Chapter 17, Article I of the Code of the Town, entitled: "Amusement Arcades or Game Rooms" and enacts in place thereof Local Law No. 2 of the Year 1999, entitled: "Amusement Arcades or Game Rooms" and designated as Sections 17-2 and 17-3 of Chapter 17, Article I, of said Code will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M., Local Time on the 19th day of April, 1999, and that Notice of the Time and Place of such Hearing shall be published on April 8, 1999, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of the proposed Local Law for the Year 1999, entitled: "Amusement Arcades or Game Rooms" designated as Sections 17-2 and 17-3 of Chapter 17, Article I of said Code for distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

File: rloclawh.499

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted April 5, 1999, the said Town Board will hold a Public Hearing on the 19th day of April, 1999, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposal Local Law of the Year 1999, which Local Law repeals in its entirety Section 17-2-Definitions; and Section 17-3 -License Required, fees, of Article I of Chapter 17 of the Code of the Town of Lancaster, entitled: "Amusement Arcades or Game Rooms", and enacts in place thereof a new Section 17-2 - Definitions, and Section 17-3 - License required; fees, of Article I of Chapter 17, entitled "Amusement Arcades or Game Rooms" of the Code of the said Town, briefly described as follows:

"A Local Law which repeals Sections 17-2 and 17-3 of Article I Chapter 17 of the Code of the Town of Lancaster and enacts in place thereof a new Section 17-2-Definitions and Section 17-3-License required; fees; of Article I of Chapter 17, entitled "Amusement Arcades and Game Rooms.

This Local Law sets forth the definition of Amusement Arcade or Game Room, increasing the number of amusement games from four (4) to eight (8), and also sets the annual fee for each machine over eight (8)."

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: ROBERT P. THILL
Town Clerk**

April 5, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Trentwood Trail Subdivision, Phase I.

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 490 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, for the installation of:

P.I.P. No. 490 -
(Street Lights)

All wire conduits, poles, lamps, lampholders, photocells, and other appurtenances required in the installation of five (5) street lights at Trentwood Trail Subdivision, Phase I

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

File: RPIP (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, General Municipal Law §209-bb authorizes a town to establish, maintain and supervise a municipal wide or intermunicipal specialized team after a public hearing, and

WHEREAS, a Public Hearing on the establishment of a disaster preparedness team to be known as Emergency Services Team of the Town of Lancaster, was held on March 15, 1999,

NOW, THEREFORE, BE IT

RESOLVED, in accordance with a Public Hearing duly held and §209-bb of the General Municipal Law of the State of New York, the Town Board of the Town of Lancaster hereby establishes a disaster preparedness team to be known as Emergency Services Team of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

File: remergtm

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town of Lancaster has submitted to Erie County an application for a youth project to advance the moral, physical, mental and social well-being of the youth of the Town of Lancaster, and

WHEREAS, the Erie County Legislature has approved the First Offender Program sponsored by the Town of Lancaster Youth Bureau and has authorized the County Executive to execute all necessary documents and agreements with the Town of Lancaster to continue providing first offender programming through the Erie County PINS/JD Diversion Program, and

WHEREAS, the County of Erie has submitted a proposed agreement entitled, "1999 Municipal Youth Bureau PINS/JD Diversion Program Agreement" (AGREEMENT);

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town of Lancaster shall enter into an AGREEMENT with the County of Erie to implement the Life Skills Training Sessions in conjunction with the Youth Court Program sponsored by the Youth Bureau that will assist youth who have committed minor first offenses by providing an alternative to the Family Court System and provide activities which will hopefully deter the youth from committing future offenses;

2. Pursuant to the AGREEMENT, Erie County will pay to the Town of Lancaster a sum not in excess of Seven Thousand Five Hundred Dollars (\$7,500.00) for the term of twelve (12) months commencing January 1, 1999 and ending December 31, 1999;

3. That the Supervisor be and is hereby authorized to execute the AGREEMENT on behalf of the Town of Lancaster, and

4. Upon full execution of the AGREEMENT, a copy thereof shall be filed in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

File: rybpins.499

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MARYNIEWSKI, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Brian Kalinowski, 6403 Genesee Street, Lancaster, New York 14086 has applied for a Dumping Permit for property situated at 6403 Genesee Street, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Brian Kalinowski, 6403 Genesee Street, Lancaster, New York 14086 be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 6403 Genesee Street, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and.

BE IT FURTHER

RESOLVED, that this permit is conditioned in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, or broken asphalt and concrete. No building demolition material such as wood, asphalt shingles, asbestos tiles, scrap metal, tree limbs or trunks are permitted.
2. The applicant should also be aware that if he intends to build on any filled area, bore samples along with a structural engineer's report will be required prior to the issuance of a building permit.
3. Filled area must be topsoiled and seeded to prevent erosion.
4. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
5. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary.
6. Dumping will be allowed to the west of the existing driveway only.

7. No fill to be dumped over the embankment.
8. Dumping will be allowed between the hours of 7 A.M. and 5 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein expires one year from date of this resolution.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER STEMPNIK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MARYNIEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER , TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Autumn Park Subdivision Phase II, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated April 1, 1999 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Autumn Park Subdivision Phase II, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 487 - Water Line
P.I.P. No. 488 - Pavement and Curbs
P.I.P. No. 489 - Storm Sewers

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED	YES
COUNCIL MEMBER MARYNIEWSKI	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

April 5, 1999

File PPP(P12)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MARYNIEWSKI, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 7690 to Claim No. 8010 Inclusive

Total amount hereby authorized to be paid: **\$ 2,130,218.78**

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MARYNIEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	Structure
5638		Marrano/Marc Equity	362 Seneca Pl	Er. Sin. Dwlg
5639		Tanning Bed	4779 Transit Rd	Er.Temp. Sign
5640		Another Custom Home By Walter	5 Broadmoor Ct	Er. Sin. Dwlg
5641		Donato Developers Inc	22 Cambridge Ct	Er. Sin. Dwlg
5642		Susan Wisniewski	1 Bridgewater Ct	Er/Ex Sun Room
5643		David Wierzbicki	85 Newberry	Er. Shed
5644		Louis Basty	15 Northbrook Ct	Er. Shed/Pool
5645		Frederick Szatkowski	395 Schwartz Rd	Er. Pole Barn
5646		Marrano/Marc Equity	398 Seneca Pl	Er. Sin. Dwlg
5647		Marrano/Marc Equity	41 Bentley Cir	Er. Sin. Dwlg
5648		Forbes Homes Inc	3 Hillside Pky	Er. Sin. Dwlg
5649		C J Krantz Homes Inc	27 Katelyn Ln	Er. Sin. Dwlg
5650		James McElhinny Jr	271 Ransom Rd	Er. Gazebo
5651		Nigel Enterprises	44 Village View	Er. Sin. Dwlg
5652		Mark Santucci	3883 Walden Ave	Er. Sign
5653		Lancaster Concessionaire	57Gunnville Rd	Er. Pole Barn/Office Bldg
5654		Forbes Homes Inc	61 Rehm Rd	Er. Sin. Dwlg
5655		Forbes Homes Inc	19 Windcroft Ln	Er. Sin. Dwlg
5656		William Zulatowski	5282 William St	Er. Shed
5657		Peter Spoda	11 Windcroft Ln	Er. Sin. Dwlg
5658		Marrano/Marc Equity	13 Stone Hedge Dr	Er. Sin. Dwlg
5659		Mamaria's	4725 Transit Rd	Er.Temp. Sign
5660		Theodore Urban	288 Ransom Rd	Er. Shed
5661		Kenneth Bolzer	64 Creekwood Dr	Er. Deck
5662		Creative Fence	51 Bentley Cir	Er. Fence
5663		Jim Cudzil	39 Country Pl	Er. Fence
5664		Aloysius Goergen	106 Stutzman Rd	Er. Greenhouse
5665		Dan Spengler	20 Stony Brook Dr	Er. Deck/Pool
5666		Alliance Homes	6 Hedge Ln	Er. Town Houses
5667		Victor Scaccia	15 Greenmeadow Dr	Er. Fence
5668		Norbert J Jagodzinski	19 Grace Way	Er. Deck

5669	Greg Reeb	14 Signal Dr	Er. Fence
5670	Marrano/Marc Equity	37 Woodgate Dr	Er. Sin. Dwlg
5671	NVR Homes	18 Stream View Ln	Er. Sin. Dwlg
5672	NVR Homes	71 Michael Anthony Ln	Er. Sin. Dwlg
5673	NVR Homes	49 Michael's Walk	Er. Sin. Dwlg
5674	SW Ferry Bldrs	11 Spring Way	Er. Sin. Dwlg
5675	Brookhaven Apt Homes	5844 Broadway	Er. Garage
5676	Brookhaven Apt Houses	5844 Broadway	Er. Apartment Bldg
5677	William Buchholz	4 Via Tripodi	Er. Pool/Deck
5678	SW Anthony Gorski	192 Westwood Rd	Er. Sin. Dwlg

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

File:Rbldg2

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Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, Erie County Sewer District No. 4 has advised the Town that it desires to cause an improvement to the sanitary sewer as it presently runs from Aurora westerly in the Town right of way for Southpoint Drive a distance of approximately 180± feet to the existing Sewer District No. 4 pump station, and

WHEREAS, Sewer District No. 4 must obtain a right of way from the Town of Lancaster over Town owned property to the point of and parallel to the pavement as before described, and

WHEREAS, the Town Engineer has reviewed the plans of Sewer District No. 4 and takes no exception thereto;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a Right of Way Agreement running to Erie County Sewer District No. 4 covering an area south and parallel to Southpoint Drive from the intersection of Southpoint Drive and Aurora Street and running thence westerly a distance of approximately 180± feet to the existing Sewer District No. 4 pump station upon the following condition:

- (1) That Erie County Sewer District No. 4 will restore the area disturbed after it completes the project, and
- (2) That Sewer District No. 4 will replace the trees which must necessarily be removed with ten (10) Bradford Pear Trees having a caliper of a minimum 3-1/2 inches pursuant to the recommendation of the General Crew Chief in the Town Department of Parks, Senior Facilities and Buildings and Grounds.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 1999

File: rswr4.499

COMMUNICATIONS:

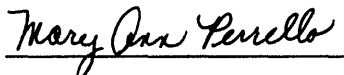
- 158. James Laughlin to Town Board -
Requests response to request for inspection of Lancaster Industrial Park Boundary .
DISPOSITION = Building Inspector
- 159. Twin District Fire Co to Town Board -
Request for approval of addition to the membership roster of said Fire Company.
DISPOSITION = Resolution
- 160. Krehbiel Associates to Supervisor -
Request to be considered for providing inspection services for the Town's PIP projects.
DISPOSITION = Received and Filed
- 161. Town of Clarence to Residents -
Notice of Public Hearing on rezone petition for area south of Wehrle Drive and north of
the Clarence-Lancaster Town Line. DISPOSITION = Received and Filed
- 162. Benderson Development Co to Supervisor -
Notice of agreement to performing certain tasks raised at meeting between Benderson
Development and Supervisor. DISPOSITION = Received and Filed
- 163. NYSDEC to Supervisor -
Concerns re: the Town's continued eligibility in the National Flood Insurance Program
(NFIP). DISPOSITION = Town Attorney
- 164. Greater Buffalo Convention & Visitors Bureau to Supervisor -
Recommendation and requests re: establishment of a policy and guidelines dealing with
the development of hospitality related projects. DISPOSITION = Received and Filed
- 165. David/Suzanne Throm to Lancaster Volunteer Ambulance Corp. -
Expresses gratitude for expertise and kindness show to them during recent time of need.
DISPOSITION = Received and Filed
- 166. Town of Eden to Town of Lancaster -
Transmittal of Town Board resolution requesting New York State Senate & Assembly
to work to restore and increase CHIPS appropriation in the 1999-2000 State Budget.
DISPOSITION = Received and Filed
- 167. Police Chief to Planning Board Chairman -
Notes approval of site plan application for J & M Schaefer, Inc. DISPOSITION =
Received and Filed
- 168. Police Chief to Chairperson Public Safety Committee -
Request a resolution for purchase of two all terrain vehicles. DISPOSITION =
Resolution
- 169. Town Clerk to Zoning Board Members, Building Inspector and Dep. Town Attorney -
Transmittal of variance petition for meeting to be held April 8, 1999. DISPOSITION =
Received and Filed
- 170. Adelphia Cable to Town Clerk -
Notice of increase of fees for Power Link customers and dial-up Internet Access service.
DISPOSITION = Cable Committee
- 171. Town Clerk to Town Board -
Request review and determination of enclosed Special Use Permit for I Cemetery Road.
DISPOSITION = Planning Committee
- 172. Donald Gallo, Consulting Engineer to Town Board -
Notice of preconstruction meeting and agenda and minutes of meeting held March 23,
1999. DISPOSITION = Received and Filed

173. Institute for Local Government and Regional Growth at State Univ. Of NY at Bflo. To Supervisor -
Invitation to attend a tele-video conference for Erie County local governments on the Census 2000. DISPOSITION = Received and Filed
174. Lake Front Recycling, Inc. to Town Board -
Announcement of opening of new business and services offered for organic recycling. DISPOSITION = Received and Filed
175. Erie County Executive to Supervisor -
Notice of meeting at University of Buffalo re: Census 2000. DISPOSITION = Received and Filed
176. Greater Buffalo-Niagara Regional Transportation Council to Supervisor -
Notice of extension of deadline for application re: TEA-21 Transportation Enhancement Program. DISPOSITION = Received and Filed
177. Western New York Land Conservancy to Supervisor -
Invitation to attend a series of presentations entitled "Ideas and Opportunities for Open Space Conservation". DISPOSITION = Received and Filed
178. Planning Board to Town Board -
Transmittal of minutes of meeting of 3/17/99. DISPOSITION = Received and Filed
179. Donald Hess to Town Board -
Notice of intent to retire. DISPOSITION = Received and Filed
180. General Crew Chief to Town Board -
Transmittal of information re: "March in the Park", an Earth Day Event. DISPOSITION = Received and Filed
181. Elma Town Attorney to Town Clerk -
Notice of Public Hearing re: rezoning of certain commercial properties to Residential C/Agriculture. DISPOSITION = Planning Committee
182. Deputy Commissioner -Highways to Supervisor -
Transmittal of Letter of Intent, the first step in applying for grant money for mitigation of flooding on Stony Road. DISPOSITION = Supervisor
183. Senator Rath/Assemblyman Hoyt to Town Board -
Request written testimony for public hearing re: "The Smart Growth Economic Competitiveness Act". DISPOSITION = Received and Filed
184. NYS Dept of Environmental Conservation to Supervisor -
Advisal of application by LFG Energy, Inc to modify existing permit. DISPOSITION = Received and Filed
185. Roy Schneggenburger to Supervisor -
Advisal of opportunity to copy maps at a lower price, and requests such. DISPOSITION = Received and Filed
186. Town Engineer and Building Inspector to Town Board -
Recommend issuance of dumping permit for 6403 Genesee Street/Brian Kalinowski. DISPOSITION = Resolution
187. Town Attorney to Town Clerk -
Recommend acceptance of public improvements for water lines, pavement & curb and storm sewers for Autumn Park Subdivision Phase II. DISPOSITION = Resolution
188. Supervisor to US Army Corps of Engineers -
Request USAED perform investigation of flooding conditions along Ellicott Creek at Stony Road. DISPOSITION = Received and Filed

- 189 Amherst Supervisor to Town of Lancaster -
Request attendance at workshop to begin dialogue re: reducing municipal cost through intermunicipal cooperation. DISPOSITION = Received and Filed
- 190 NYS Dept. of Environmental Conservation to Town Clerk -
Advisal of 95-96 final license account is in balance. DISPOSITION = Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER CONNELLY AND SECONDED BY THE
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:38 P.M.



Mary Ann Perrello, Dep Town Clerk